

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

|  |   |                                      |
|--|---|--------------------------------------|
| <b>NATHAN MAY, <i>et al.</i>,</b>        | : | <b>CIVIL ACTION NO. 1:18-CV-1039</b> |
|  | : |                                      |
| <b>Plaintiffs</b>                        | : | <b>(Chief Judge Conner)</b>          |
|  | : |                                      |
| <b>v.</b>                                | : |                                      |
|  | : |                                      |
| <b>SPRINGETTSBURY TOWNSHIP</b>           | : |                                      |
| <b>POLICE DEPARTMENT, <i>et al.</i>,</b> | : |                                      |
|  | : |                                      |
| <b>Defendants</b>                        | : |                                      |

**ORDER**

AND NOW, this 24th day of June, 2019, upon consideration of the order (Doc. 8) issued by Chief Magistrate Judge Susan E. Schwab on March 29, 2019, wherein Judge Schwab concluded that plaintiffs' *pro se* complaint (Doc. 1) fails to state a claim for which relief may be granted, identified the manifold deficiencies in the complaint, directed plaintiffs to file an amended pleading on or before April 28, 2019, and admonished that failure to file an amended pleading would result in a recommendation that this action be dismissed, and further upon consideration of Judge Schwab's report (Doc. 11) of May 6, 2019, wherein Judge Schwab notes that plaintiffs failed to file an amended pleading and recommends that the court dismiss plaintiffs' complaint (Doc. 1) for failure to state a claim for the reasons outlined in her March 29 order, and it appearing that plaintiffs have not objected to the report, see FED. R. CIV. P. 72(b)(2), and the court noting that failure of a party to timely object to a magistrate judge's conclusions "may result in forfeiture of *de novo* review at the district court level," Nara v. Frank, 488 F.3d 187, 194 (3d Cir. 2007) (citing Henderson v. Carlson, 812 F.2d 874, 878-79 (3d Cir. 1987)), but that, as a matter of

good practice, a district court should afford “reasoned consideration” to the uncontested portions of the report, E.E.O.C. v. City of Long Branch, 866 F.3d 93, 100 (3d Cir. 2017) (quoting Henderson, 812 F.2d at 879), in order to “satisfy itself that there is no clear error on the face of the record,” FED. R. CIV. P. 72(b), advisory committee notes, and, following an independent review of the record, the court being in agreement with Judge Schwab’s recommendation, and concluding that there is no clear error on the face of the record, it is hereby ORDERED that:

1. The report (Doc. 11) of Chief Magistrate Judge Schwab is ADOPTED.
2. Plaintiffs’ complaint (Doc. 1) is DISMISSED.
3. The Clerk of Court is directed to CLOSE this case.
4. Any appeal from this order is deemed to be frivolous and not taken in good faith. See 28 U.S.C. § 1915(a)(3).

/S/ CHRISTOPHER C. CONNER  
Christopher C. Conner, Chief Judge  
United States District Court  
Middle District of Pennsylvania